show that title to the approach to the bridge was in it, and not in the city.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. § 540.* 5 Va.-W. Va. Enc. Dig. 74.]

2. Dedication (§ 11*)—Bridge Approaches—Bridges of Public Service Companies.—Where a public service bridge company owned a bridge with a long approach which was indispensable to the use of the bridge and to the discharge of the company's duty to the public, it could neither expressly nor impliedly dedicate the approach to the city, since under City Code 1910, charter, § 19g, the city has power to close its streets, and the lawfulness of dedication depends, not on the probable use, but the possible use of the land dedicated, so that, if the approach were dedicated to the city, it might close it and destroy the use of the bridge.

[Ed. Note.—For other cases, see Dedication, Cent. Dig. § 3.* 4 Va.-W. Va. Enc. Dig. 361.]

Error to Hustings Court of Richmond.

Suit by the City of Richmond against the Mayo Land & Bridge Company. From the decree rendered, the city brings error, and the defendant assigns cross-errors. Affirmed.

H. R. Pollard, of Richmond, for plaintiff in error.

C. V. Meredith, Cutchins & Cutchins, and *R. W. Meredith,* all of Richmond, for defendant in error.

VIRGINIA RY. & POWER CO. *v.* HUBBARD.

March 15, 1917.

[91 S. E. 618.]

1. Damages (§ 33*)—Compensation—Aggravation of Previous Disability.—Where a female passenger was injured while on defendant's car, the fact that her previous affliction with a tumor aggravated the injury does not prevent recovery of all damages resulting, though there could be no recovery on account of any conditions existing before the accident and for anything that would have resulted independently of the accident, and an instruction to such effect sufficiently guarded defendant's rights.

[Ed. Note.—For other cases, see Damages, Cent. Dig. § 42.* 4 Va.-W. Va. Enc. Dig. 215.]

2. Damages (§ 158 (5)*)—Actions—Evidence.—In an action by a female passenger for injuries received when an alleged drunken passenger fell and struck her in the abdomen, the declaration alleged that such drunken passenger fell with great force and violence upon

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*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

and against plaintiff, injuring her back and inflicting serious internal injuries and burises, whereby plaintiff became sick and diseased, and so continued for a long space of time, during all of which time plaintiff was prevented from attending to her lawful and necessary affairs, and was obliged to expend and did pay out a large sum of money in endeavoring to be cured of such bruises and injuries, and for a serious surgical operation necessitated by the accident, whereby plaintiff suffered great pain and anguish, both mental and physical. It appeared that at the time of the accident, and for some time before it, plaintiff had been afflicted with a tumor which she had not had removed, as it caused her no trouble and inconvenience, but the accident so aggravated the tumor that a serious operation was necessary. Held, that the declaration was sufficient to warrant the admission of evidence as to the necessity of an operation on account of the aggravation of the tumor.

[Ed. Note.—For other cases, see Damages, Cent. Dig. § 441.* 4 Va.-W. Va. Enc. Dig. 215.]

3. Carriers (§ 284 (1)*)—Carriage of Passengers—Duty of Care.—A carrier owes to its passengers a very high degree of care in protecting them from the negligence or wrongs of their fellow passengers, and where a conductor in charge of a street car knew, or by the exercise of proper care ought to have known, that the intoxicated condition of a pasenger was a menace to others long enough to have taken proper precautions to obviate the danger, he is guilty of negligence in failing to do so.

[Ed. Note. For other cases, see Carriers, Cent. Dig. §§ 1125, 1127.* 16 Va.-W. Va. Enc. Dig. 252.]

4. Carriers (§ 318 (1)*)—Carriage of Passengers—Actions—Evidence—Sufficiency.—Evidence held sufficient to warrant a finding that a conductor in charge of a street car was negligent in allowing an intoxicated passenger to stand in the car where he was likely to fall and injure other passengers.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 1307, 1308.* 2 Va.-W. Va. Enc. Dig. 725.]

5. Carriers (§ 284 (1)*)—Carriage of Passengers—Duty of Care.—A conductor in charge of a street car should not wait until a drunken passenger has committed some disturbing act before taking action, but should take proper precautions as soon as such passenger gives reasonable cause to believe that he may injure others.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 1125, 1127.* 2 Va.-W. Va. Enc. Dig. 702.]

Error to Circuit Court, Norfolk County.

Action by Lulie Harrell Hubbard against the Virginia Rail-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

way & Power Company. Judgment for plaintiff, and defendant brings error. Affirmed.

Williams, Tunstall & Thom, of Norfolk, and *H. W. Anderson,* of Richmond, for plaintiff in error.

Rumble & Campe, of Norfolk, for defendant in error.

BOHANNON-KING & CO., Inc. *v.* VELLINES.

March 15, 1917.

[91 S. E. 620.]

Appeal and Error (§ 1002*)—Review—Verdict—Conflicting Evidence.—Where there was a conflict of evidence as to speed of defendant's automobile which collided with decedent's bicycle, the location of the accident, and decedent's contributory negligence, and the jury, being the judges of the weight of the testimony, found for plaintiff, judgment will be sustained; since under the statute the Appellate Court is required to consider such cases as under a demurrer to the evidence.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3935-3937.* 1 Va.-W. Va. Enc. Dig. 620.]

Appeal from Circuit Court of City of Norfolk.

Action by Fannie C. Vellines, administratrix of Herbert A. Vellines, deceased, against Bohannon-King & Co., Incorporated. Judgment for plaintiff, and defendant appeals. Affirmed.

W. H. Taylor and *Jas. H. Willock,* both of Norfolk, for plaintiff in error.

Willcox, Cooke & Willcox, of Norfolk, for defendant in error.

CLAY'S ADM'R *v.* KELLY.

March 15, 1917.

[91 S. E. 621.]

1. Partnership (§ 313*)—Suit for Accounting by Quasi Partner—Equity Jurisdiction.—Where a partnership was formed to undertake a government contract, and thereafter one partner withdrew, with the consent of the others, but later came back into the firm solely to sign its assignment of the contract, the other partners agreeing to pay him 10 per cent. of the profits they might realize, the withdrawing partner's relationship to the firm was not that of a full partner, but it was such as to entitle him upon the fundamental prin-

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*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.